1/4 (1946) Department

As SERIES

G.O. No. 1552

1552

Dated 8-6-46

[Despatch Abstract.]

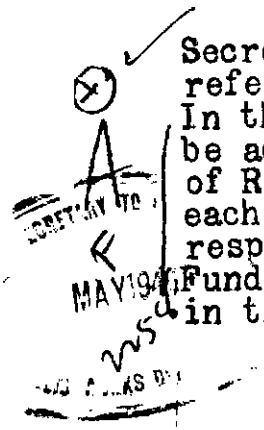
P.W.D.
G.O. 2R 587/46.

No. 1066 gl/46-1

Presidency Port Office,
Madras, 3 -5-1946.

From the Presidency Port Officer, Madras.

*Copy together with a copy of its enclosures submitted to the Secretary to Government, Public Works Department, Madras, with reference to G.O.Ms.No.2630, Public Works Department, dated 10-10-1945. In the circumstances stated by the Port Officer, sanction may please be accorded for collection of the rent at the revised sanctioned rate of Re.0-2-0 on and from the date on which the annual licence fee in each case becomes due on or after 15-10-1945 under clause 2 of the respective licences as suggested by the District Inspector of Local Fund Accounts, South Kanara, instead of from 15-10-1945 as ordered in the G.O.



Presidency Port Officer.

*Letter No.221/46-3, dated 9-4-46 from the Port Officer, Mangalore.

MR.3.

From the Port Officer, Mangalore.
To the Presidency Port Officer, Madras.
No.221-46-3, dated 9-4-46.

Port of Mangalore - enhanced ground rent - renewal of licence -
Ref:- Your No.1349-G1/45-7, dated 9-1-1946.

With reference to above, copy of letter received from the District Inspector of Local Fund Accounts is submitted for favour of issue of necessary instructions at an early date. Copy of this office letter No.221/46, dated 19-1-1946 to the Dist.Inspector of Local Fund Accounts is also enclosed.

If approved licences will be renewed from the date when annual rent is due after 15th October in each case and at the time of renewing the licences will be required to pay rent at the enhanced rates, vide para 1 of the letter of the District Inspector.

Letter No.221/46, dated 19-1-46 from the Port Officer, Mangalore to the District Inspector of Local Fund Accounts, Mangalore.

Port of Mangalore - enhanced rate of ground rent - renewal of licence - rebate of rent - Instructions requested.

In G.O.Ms. No.2630 P.W.D. dated 10-10-45 it has been ordered that rent for lands outside the landing and shipping enclosure, reclaimed by private parties including oil installations be levied at two annas per 100 sq.ft. or part thereof per annum or part thereof with effect from 15-10-45 against the old rate of 0-1-0 per 100 sq.ft. It is proposed to levy the above rate of rent and renew all the licences with effect from 15-10-1945. There are about 50 old licences to be revoked. In mo of these cases, the annual licence fee at the old rate of one anna per 100 sq.ft. per annum have already been collected and the liecences have been renewed from various dates during the year. As rebate of rent already paid at the old rate has to be given to the parties for the un expired period of these licences, instructions may please be issued regarding the collection of differential ground rent, and the basis fo calculation of the rebatement.

Three instances of licences which are to be renewed are given below:-

(1) Period of licence.	(2) Area.	(3) Rent collected at one anna per 100 sq.ft.per annum.	(4) Non expired period of licence from 15-10-1945.
1-4-45 to 31-3-46	37380 sq.ft.	Rs.23-6-0	5½ months.
26-11-45 - 31-3-46	47 cents.	11-4-0	Differential period 1 month & 11 days.
7-8-45 - 6-8-'46	3085½ Sq.ft.	1-15-0	2 months, 9 days.

(3) Rent to be levied at the enhanced rate viz. 2 annas per annum.

Copy of letter from the Dist. Inspector of Local Fund Accounts, S.Kanara, Mangalore to the Port Officer, Mangalore, L.F.12/8-4-1946.

Refce:- Your No.221/46, dated 18-1-46 and Reminder No.221-46-1 dated 28-3-46 regarding Port of Mangalore - enhanced ground rent - Renewal of licence - rebate of rent etc.

It would not be in keeping with the spirit of the provision of clause 14 of the licence to revoke it at any time in the middle of the year just for recovering fees at a higher rate. It is desirable in order to avoid complications to determine the liecence from the date from which the annual licence fee payable under clause 2 next falls du and fresh licences issued after that date.

In the second case referred to in your letter, if no action can b taken to recover the fee at the higher rate from 15-10-1945 the circumstances under which this was not done may be reported to Government and the omission got condoned. Action may be taken in a case like thi as suggested in the last sentence of para 1 above.

Copy to the Presidency Port Officer, Madras for information and necessary action.

(Copy)

M.L.Advani,
Port Officer.

Port Office, Mangalore,
Dated 8th April 1946.

(True Copy)

Assistant to the
Presidency Port Officer.

MR.3.

P.W.D

82/576

Subject: Ports - Mangalore - Enhancement of ground rent on land outside Landing and Shipping enclosure reclaimed by parties - other orders.

Not published

Read again - G.O. Ms. No. 1196 P. dated 30.9.1946

G.O. Ms. No. 2630 P.W. dated 10.x.1945

Read also:- from the P.P.O. No. 1066 Gl/46-1 dated 3-5-46

G.O. Ms. No. 1552 Dated 3rd June 1946

In the circumstances reported the Government approve the P.P.O's proposal that in the case of a lease or licence granted before 15th October 1945, the enhanced rate of rent viz As 0-2-0 approved in G.O. No. 2630 P.W. dated 10.x.1945 may be collected ~~with effect~~

on and from the date on which the annual licence fee in each case becomes due on or after 15-10-1945, under clause 2 of the respective licences.

A of ICf.

20/5/46

21/5/46

1-6-46

To The D.P.O.
The Exam. of h. Tl A
The Collector.
S. Kanara.
Copy to the Rev. Deptt

PWD
CNo225

Sub:- Ports - Mangalore - Enhancement of ground rent - proposal

pp 1 to 4 cf Ref:- From the P.W.O. No. 1066 Gf/46 dated 3.5.1946

X/pp 7 to 8 cf The Govt approved in G.O. No. 2630 P.W. dated 10.10.1945 the P.W.O's proposal to enhance with effect from 15.10.1945 the rent on port land outside the landing and shipping enclosure reclaimed by parties from Rs 0-1-0 to Rs 0-2-0. The enhancement was

Y of 1 cf of (X) expected to fetch an additional revenue of Rs 600 to the Mangalore port. For the reasons stated in

pp 3 to 4 cf his letter on pp 3 cf. the Port Officer, Mangalore proposes that the enhanced rent may be collected on and from the date on which the annual licence fee in each case becomes due on or after 15.10.46. The P.W.O recommends the proposal. In the circumstances reported in the Port Officer's letter on pp 3 to 4 cf. it is for

X pp 3 to 4 cf orders whether the proposal will be accepted. It is not clear whether a mere executive order sanctioning the proposal at A on fl cf will do, or whether a revised notification is necessary. Legal may be requested to advise.

In case a revised notification is necessary they may be requested to ~~put up~~ Suggest suitable a draft notification

Dea 10/5/46

PWD No. 2258 Ft/46 11.5.46

Ble 11.5.46

LEGAL DEPARTMENT.

3238

ASSISTANT SECRETARY
13 MAY 1946
LEGAL DEPARTMENT.

The Notification at page 9 of G.O.No.2630, P.W.D., dated the 10th October 1945 increased the rates of rent leviable on lands within port limits with effect from 15th October 1945. The notification has no retrospective operation and cannot affect the terms of leases or licences granted before the date on which it came into force. Rent at the enhanced rate cannot therefore be demanded of a lease or licence granted before 15th October

1945 during the currency of the term. The proposal of the Presidency Port Officer, ~~Rangoon~~, that the enhanced rent may be collected on and from the date on which the annual fee in each case becomes due is ~~therefore~~ in accord with the legal position stated above. It is not therefore necessary to issue a revised notification.

b. Please see the Legal Deptt note on fp 1 & 2 above. A draft order is submitted below for approval. It may be sent to Revenue for acceptance before issue.

30/5/46 Dy. Sec. to G.O.I. Tons

R.D

PW Dept 2258 F-2 24/5/46

May be accepted and returned to PW.D.

24/5/46

U.V. 24/5/46. PWD.

The draft below may issue.

30/5/46 Dy. Sec. to G.O.I.

ASSISTANT SECRETARY TO GOVERNMENT 1931/F 23 MAY 1946 REVENUE DEPARTMENT

Rev. 1931/F 23/5/46-1 29-5-46

F-3 23 MAY 1946 2656 PUBLIC WORKS DEPARTMENT

Subj:- Ports - Mangalore - Enhancement of ground rent on land outside Landing and Shipping enclosure reclaimed by parties - G.O No. 2630 P.W. dated 10.X.45 - Superseded.

(X) Read again:- G.O.Ms. No. 1196 P.W. dated 18.5.1936

(X) Read also:- G.O.Ms. No. 2120 P.W. dated 10.X.1945

Read also:- From the P.D.O No 1066 G/46 I & 3.5.46

G.O.Ms. No. ... dated ...

The following notification will be published in the Fort St. George Gazette and the S. Kanara District Gazette.-

Notification

In supersession of the P.W. Notification No. 48 dated 10.10.1945 published at f 696 of Part I of the Fort St. George Gazette dated 16.10.1945 the following notificatio

NOTIFICATION

In the Schedule of rates of rent to be levied when lands within port limits at ports in the Province of Madras are leased out for marine purposes for a period of not less than one year, appended to Public Works (Marine) Department Notification No.20 dated the 18th May 1936 published at pages 706-707 of Part I of the Fort St. George Gazette dated the 26th May 1936, as subsequently amended, the following amendment shall be made with effect on and from the date on which the annual licence fee ~~(in each case)~~ becomes due, on or after 15-10-45, under clause 2 of the respective licences, namely:-

Amendment.

In column (2) of the said Schedule for the entry "0-1-0" against Mangalore for lands outside the Landing and Shipping enclosure reclaimed by parties (including oil installations), the entry "0 2 0" shall be substituted.

8/5/46. G.S. et